

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RODOLFO ROJAS and LUIS ROJAS,

2:13-CV-2260 JCM (NJK)

Plaintiff(s),

V.

PAUL DWAYNE SHINE and
MOUNTAIN WEST MILK
TRANSPORT CORPORATION,

Defendant(s).

ORDER

Presently before the court is a motion to amend filed by defendants Mountain West Milk Transport Corporation and Paul Dwayne Shine. (Doc. # 17). The other parties in this action have not filed an opposition to this motion.

I. Discussion

Federal Rule of Civil Procedure 15(a) provides that leave to amend “shall be freely given when justice so requires.” The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178 (1962), the Court explained: “In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc. – the leave sought should, as the rules require, be ‘freely’

1 given.”” *Id.* at 182. The local rules of federal practice in the District of Nevada require that a party
 2 submit a proposed, amended pleading along with a motion to amend. D. Nev. R. 15-1(a).

3 Defendants seek leave of the court to file an amended answer in order to assert counterclaims
 4 against plaintiff Luis Rojas for negligent entrustment, indemnity, and contribution. (Doc. # 17, p.
 5 4). Defendants have attached their proposed, amended answer to this motion in compliance with D.
 6 Nev. R. 15-1(a).

7 Defendants assert that since filing their original answer, they have discovered that plaintiff
 8 Luis Rojas may have given plaintiff Rudolfo Rojas permission to operate the vehicle involved in the
 9 accident at the center of this case. Based on this allegation, defendants seek to put forward the above-
 10 listed counterclaims against Luis Rojas.

11 None of the parties in this action will be prejudiced by the assertion of the additional
 12 counterclaims. The proposed, amended answer does not seek to add additional parties, and discovery
 13 in this case is already scheduled to continue through September 8, 2014.

14 Therefore, in consideration of the liberal Rule 15(a) standard, the court finds that defendants’
 15 motion to amend their answer has not been made in bad faith, will not cause undue delay or
 16 prejudice to the other parties in this action, and presents cognizable legal arguments. Additionally,
 17 the court finds there is good cause to allow defendants to amend their answer.

18 **II. Conclusion**

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants’ motion to
 21 amend (doc. # 17) be, and the same hereby is, GRANTED.

22 IT IS FURTHER ORDERED that defendants file an amended answer identical to that
 23 attached as exhibit B to the motion to amend (doc. # 17, ex. B) within seven (7) days of the entry of
 24 this order.

25 DATED June 27, 2014.

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 28 **UNITED STATES DISTRICT JUDGE**